

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Northern Division)**

IN RE TITANIUM DIOXIDE ANTITRUST LITIGATION	No. 10-CV-00318-RDB
This Document Relates To: All Actions	

MOTION TO INTERVENE AND FOR RECONSIDERATION

Movants Los Gatos Mercantile, Inc. d/b/a Los Gatos Ace Hardware, Fred Swaim, Inc. d/b/a Quality Auto Parts; Ace Hardware of South Walton, Inc.; Lexington Home Center, LLC; R.F. Cole, Inc. d/b/a Brewers Paint Center; Cusimano Carstar, Inc.; and The Carpet Shoppe, Inc. (“Indirect Purchaser Plaintiffs” or IPPs) hereby move to intervene in the above-captioned matter pursuant to Rule 24(b) of the Federal Rules of Civil Procedure for the limited purpose of seeking access to all pleadings, motions, exhibits, and reports filed under seal or in redacted form in the above-captioned matter. Specifically, Indirect Purchaser Plaintiffs ask that the Court reconsider and vacate the Protective Order entered on August 27, 2013 and modify the Protective Order entered on September 21, 2011 to permit them access to the following:

- Memorandum in Support of the Motion for Class Certification and Appointment of Class Counsel and (D.E. 247), response in opposition thereto (D.E. 293), reply (D.E. 306), and all accompanying exhibits;

- Memorandum in Support of Defendants' Motion to Amend the Class Definition (D.E. 352), the response in opposition thereto (D.E. 360), the reply (D.E. 362), and all accompanying exhibits;
- Memorandum in Support of Defendants' Joint Motion to Exclude Expert Testimony (D.E. 410), the response thereto (D.E. 413), the reply (D.E. 415), and all accompanying exhibits;
- Memorandum in Support of Defendants' Motion to Compel Arbitration Motion (D.E. 423-428, 485), the response thereto (D.E. 497), and all accompanying exhibits;
- Memoranda in Support of Defendants' Motions for Summary Judgment (D.E. 430, 433-36, 438, 440-41, 443), the response in opposition thereto (D.E. 451-52, 455), the reply (D.E. 456-60), and all accompanying exhibits; and
- Plaintiffs' Motion in Limine (D.E. 471), Defendants' Motions in Limine (D.E. 473, 477-79), the responses in opposition thereto (D.E. 487-94), and all accompanying exhibits.

In the alternative, IPPs ask this Court to unseal these documents, which are judicial records to which the public has a right of access under the First Amendment of the United States Constitution and the common law of the State of Maryland. Defendants do not object to producing the aforementioned documents to IPPs subject to the protective orders that are already in place but will oppose their unsealing. Plaintiffs have not responded to IPPs' correspondence regarding the matter. A memorandum of points and authorities in support of IPPs' Motion along with a proposed order granting the relief sought herein are attached.

Dated: September 30, 2013

Respectfully submitted,

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